

1 **LOWENSTEIN SANDLER LLP**

2 Michael J. McGaughey (198617)
3 390 Lytton Avenue
4 Palo Alto, CA 94301
5 Telephone: 415-288-4545
6 Fax: 415-288-4534
7 mmcgaughey@lowenstein.com

8 Steven M. Hecht (admitted *pro hac vice*)
9 1251 Avenue of the Americas
10 New York, NY 10020
11 Telephone: 212-262-6700
12 Fax: 973-597-2381
13 shecht@lowenstein.com

14 *Counsel for Plaintiffs Special Situations*

15 *Fund III QP, L.P., Special Situations*
16 *Cayman Fund, L.P., and Wolverine*
17 *Flagship Fund Trading Limited*

18 [Additional Counsel on Signature Page]

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21

SPECIAL SITUATIONS FUND III QP, L.P., SPECIAL SITUATIONS CAYMAN FUND, L.P., and WOLVERINE FLAGSHIP FUND TRADING LIMITED,)	Case No. 3:14-cv-04717-SC
Plaintiffs)	STIPULATION AND [PROPOSED]
vs.)	ORDER TAKING CASE
H. RAVI BRAR, SUSIE HERRMANN and MURRAY JONES,)	MANAGEMENT CONFERENCE AND
Defendants.)	RELATED DEADLINES OFF
)	CALENDAR
)	Judge: Hon. Samuel Conti

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26)

27 **STIPULATION AND [PROPOSED] ORDER TAKING CASE MANAGEMENT CONFERENCE AND RELATED**
28 **DEADLINES OFF CALENDAR**
29 **CASE NO. 3:14-cv-04717-SC**

1 This Stipulation is entered into by and among Plaintiffs Special Situations Fund III QP,
2 L.P., Special Situations Cayman Fund, L.P. and Wolverine Flagship Fund Trading Limited
3 (collectively, “Plaintiffs”) and Defendants H. Ravi Brar, Susie Herrmann, and Murray Jones
4 (collectively, “Defendants”), by and through their respective counsel.

5 WHEREAS Plaintiffs filed a complaint in the above-captioned action on October 23,
6 2014 (the “Complaint”) [Docket No. 1], which action was assigned to the Honorable Jacqueline
7 S. Corley;

8 WHEREAS on October 24, 2014, the Honorable Jacqueline S. Corley issued an Order
9 Setting Initial Case Management Conference and ADR Deadlines (the “Initial CMC Order”)
10 [Docket No. 8], which set January 29, 2015 as the date for an initial Case Management
11 Conference (“CMC”) and January 8, 2015 as the deadline for the parties to meet and confer and
12 file an ADR Certification and Stipulation to ADR Process or Notice of Need for ADR Phone
13 Conference under Civil Local Rule 16-8 and ADR Local Rule 3-5 (the “ADR Deadlines”);

14 WHEREAS the Initial CMC Order provided that if the initial CMC was continued, the
15 ADR Deadlines would be continued accordingly;

16 WHEREAS on November 26, 2014 this Court issued an Order relating the above-
17 captioned action to *In re ECotality Securities Litigation*, Case No. 13-03791-SC, and
18 reassigning the above-captioned action to the Honorable Samuel Conti (the “Related Case
19 Order”) [Docket No. 13];

20 WHEREAS, on December 12, 2014, Defendants filed a motion to dismiss the
21 Complaint, with a noticed hearing date of February 20, 2015;

22 WHEREAS, on December 17, 2014, this Court issued a Clerk’s Notice Scheduling Case
23 Management Conference on Reassignment (the “Second CMC Order”) [Docket No. 19], which
24 set an initial CMC for March 20, 2015, and the deadline to file a Joint Case Management
25 Conference Statement for seven (7) days prior to the initial CMC;

26 WHEREAS, by continuing the initial CMC to March 20, 2015, the Second CMC Order
27 continued the ADR Deadlines to February 27, 2015;

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**STIPULATION AND [PROPOSED] ORDER TAKING CASE MANAGEMENT CONFERENCE AND RELATED
DEADLINES OFF CALENDAR
CASE NO. 3:14-cv-04717-SC**

WHEREAS Defendants' motion to dismiss is now fully briefed, and has by text Order dated February 18, 2015 been submitted for disposition without oral argument;

WHEREAS the parties agree that participating in an initial CMC and filing submissions pursuant to the ADR Deadlines would be premature and of no benefit to the Court while Defendants' motion to dismiss is pending, and that in the interests of efficient case management and judicial economy the initial CMC and ADR Deadlines should be continued until after the Court's disposition of Defendants' motion to dismiss;

THEREFORE, pursuant to Civil Local Rule 6-2(a), the parties hereby stipulate and agree, by and through their respective counsel, as follows:

The March 20, 2015 initial Case Management Conference, the date to file a Joint Case Management Statement, and the ADR Deadlines shall be taken off calendar and shall be rescheduled by mutual agreement of the Parties and approval of the Court as appropriate upon the Court's disposition of Defendants' motion to dismiss.

IT IS SO STIPULATED.

DATED: February 25, 2015

/s/ Steven M. Hecht
Michael J. McGaughey (198617)
Steven M. Hecht (admitted *pro hac vice*)
LOWENSTEIN Sandler LLP

*Counsel for Plaintiffs Special Situations Fund III
QP, L.P., Special Situations Cayman Fund, L.P.,
and Wolverine Flagship Fund Trading Limited*

DATED: February 25, 2015

/s/ Adam C. Trigg
Adam C. Trigg (261498)

COOLEY LLP
TOWER C. SNOW, JR. (58342)
(tsnow@cooley.com)
101 California Street, 5th Floor

STIPULATION AND [PROPOSED] ORDER TAKING CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES OFF CALENDAR
CASE NO. 3:14-CV-04717-SC -2-

1 San Francisco, CA 94111-5800
2 Telephone: (415) 693-2000
3 Facsimile: (415) 693-2222

4 JOHN C. DWYER (136533)
5 (dwyerjc@cooley.com)
6 JESSICA VALENZUELA SANTAMARIA
7 (220934)
8 (jsantamaria@cooley.com)
9 ADAM C. TRIGG (261498)
10 (atrigg@cooley.com)
11 3175 Hanover St.
12 Palo Alto, CA 94304-1130
13 Telephone: (650) 843-5000
14 Facsimile: (650) 849-7400

15 JOSEPH B. WOODRING (272940)
16 (jwoodring@cooley.com)
17 1333 2nd Street, Suite 400
18 Santa Monica, CA 90401
19 Telephone: (310) 883-6400
20 Facsimile: (310) 849-6500

21 *Counsel for Defendants H. Ravi Brar, Susie
22 Herrmann, and Murray Jones*

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to the General Order No. 45, section 45 X(B), for The United States District Court for the Northern District of California, I, Steven M. Hecht, hereby attest that the concurrence to the filing of the foregoing document has been obtained from Adam C. Trigg, who provided the conformed signature above.

DATED: February 25, 2015

/s/ Steven M. Hecht

Steven M. Hecht

LOWENSTEIN SANDLER LLP

*Counsel for Plaintiffs Special Situations Fund III
QP, L.P., Special Situations Cayman Fund, L.P.,
and Wolverine Flagship Fund Trading Limited*

[PROPOSED ORDER]

1 Pursuant to the parties' stipulation, the initial Case Management Conference currently
2 scheduled for March 20, 2015 and the date to file a Joint Case Management Statement are
3 hereby taken off calendar and shall be rescheduled by mutual agreement of the Parties and
4 approval of the Court as appropriate upon the Court's disposition of Defendants' motion to
5 dismiss. The deadline under Civil Local Rule 16-8 and ADR Local Rule 3-5 for the filing of the
6 ADR Certification and the Stipulation to ADR Process or Notice of Need for ADR Phone
7 Conference is hereby taken off calendar and shall be rescheduled by mutual agreement of the
8 Parties and approval of the Court as appropriate upon the Court's disposition of Defendants'
9 motion to dismiss.

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11 **IT IS SO ORDERED.**

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13 DATED: 03/10, 2015



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15 The Honorable Samuel Conti
16 United States District Judge